

NEIL ABERCROMBIE
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RECOMMENDATION SUBMITTAL

DATE: September 11, 2014

TO: Catherine Payne, Chairperson

FROM: Mitch D’Olier, Chairperson
Applications Committee

AGENDA ITEM: Action on Multi-Phased Application Process and 2014 Application Timeline

I. DESCRIPTION

Recommendation to the Commission to approve the concept of a two-phased application process, as described below, and the revised tentative 2014 timeline, as attached hereto.

II. AUTHORITY

Charter School Applications: Pursuant to §302D-5(a), Hawaii Revised Statutes (“HRS”), “[a]uthorizers are responsible for executing the following essential powers and duties: (1) [s]oliciting and evaluating charter applications; (2) [a]pproving quality charter applications that meet identified educational needs and promote a diversity of educational choices; [and] (3) [d]eclining to approve weak or inadequate charter applications[.]”

Sections 302D-13 and 302D-14, HRS, establish further statutory guidelines as to the establishment of start-up and conversion schools, respectively. Both sections require that the charter application process and schedule minimally include specified elements but also allow for additional elements, as determined by the authorizer.

III. BACKGROUND

At the Commission’s August 14, 2014 General Business Meeting, staff presented a tentative timeline for the 2014 application cycle, which assumed that a two-phased application process would be

adopted. The tentative timeline also proposed releasing a revised Request for Applications (“RFA”) in October.

Under the two-phase approach being contemplated at the time, phase one applicants that are deemed to have strong potential would be allowed to submit a more detailed phase two application. As described in previous presentations to the Committee, the two-phase approach would be intended to save time and resources, both for applicants as well as for the Commission, by screening for capacity and potential for quality in the shorter, phase one application.

At the Committee’s August 28, 2014 meeting, the Committee discussed the possible practical result of adopting a two-phase approach. There were concerns that applicants would not follow Commission recommendations not to proceed and evaluation teams would end up evaluating all of the applications anyway. There was also a discussion of whether imposing fees for the second phase would have a greater impact. Fees will be taken under consideration for future application cycles, but at this time the Commission is not authorized to charge the fees contemplated.

The Committee approved to recommend to the Commission the concept of a two-phase approach and also the timeline for the 2014 application cycle that is attached to this submittal.

IV. DECISION MAKING STATEMENT

Staff has further researched the two-phased approach by analyzing applications and processes from three charter authorizers currently deploying multi-phased approaches: Massachusetts Department of Elementary & Secondary Education, Mississippi Charter School Authorizer Board, and New Jersey Department of Education. Each of these application processes use a preliminary phase to screen applicants to ensure that only applications that meet a certain standard can proceed further in the application evaluation process. Hawaii, however, is distinct from these authorizers because it provides applicants the right to appeal a denial of their applications.

According to statute and administrative rules, the Board of Education (“BOE”) has to authority to accept an appeal from a decision that denies approval of a start-up or conversion charter school application. A phase one decision that did not allow an applicant to proceed in the applications process would not be denying approval of the application; it would only be preventing the applicant from proceeding in the applications process. This would, however, have the same practical effect as the denial of an application. Because of this, it is possible that BOE would be authorized to, and would, accept an appeal from a phase one denial. Therefore, staff has approached the development of a two-phased application process under the assumption that the BOE would accept appeals from any eligible applicant that is disallowed from submitting an application and completing the applications process.

With this in mind, staff proposes an application process with two main submission phases, but one in which phase one does not include a denial that prevents applicants from proceeding in the applications process. Instead, at the end of phase one, applicants will be provided with a

recommendation of whether they should proceed or not. The process is described in more detail below.

The two main submission phases are: (1) an Initial Proposal, and (2) a Final Application. Both the Initial Proposal and Final Application are included within the Request for Proposals (“RFP”), which replaces the RFA. The Initial Proposal focuses primarily on the academic plan, with some essential elements from the organizational and financial plans. The academic plan is the focus of the Initial Proposal because staff believes that this places emphasis on academics and encourages applicants to design school plans primarily around their academic vision, rather than primarily on financial or organizational considerations. Applicants would not be able to change the academic plan once submitted.

Academic performance staff will evaluate each Initial Proposal and develop a recommendation report. The Initial Proposal Recommendation Reports will notify each applicant of whether the evaluators are recommending that the applicant submit a Final Application. Similar to last year’s application process, the Commission will review the recommendation reports and make a decision on whether to recommend that the applicant submit a Final Application.

Applicants will not be prevented from continuing in the applications process, even if the Commission recommends that the applicant not submit a Final Application. Applicants will be able to choose whether they want to proceed in the applications process and invest more time and effort, in spite of the Commission recommendation. As noted above, an academic plan that has been found deficient cannot be changed, so the applicant would have to determine whether it believed that it could overcome the academic deficiencies by submitting a Final Application. The Final Application, which includes the information submitted through the Initial Proposal, would be evaluated in a similar manner to the last application cycle, which includes a holistic evaluation of the academic, organizational, and financial plans.

Staff has created a revised tentative timeline for the 2014 application cycle, only showing major deadlines in the process, which is attached as **Exhibit A**. As mentioned in previous presentations to the Committee, most of the additional time needed for the postponement of the start of the application process will be taken from the start-up period. Staff does not believe that this will cause undue burden on a school starting up, because a full year’s start-up period still provides the school ample time and, because of certain practical realities and limitations, a majority of the start-up work is done toward the latter part of the start-up period.

Staff continues to work on establishing the details of the process, including Initial Proposal evaluation criteria and plans to present a revised Request for Proposals and process at the Committee’s September 25, 2014 meeting.

V. RECOMMENDATION

Motion to the Commission:

“Moved that the Commission approve the concept of a two-phased application process, as described in the submittal dated September 11, 2014, and the revised tentative 2014 timeline, as attached to the same submittal, for the 2014 application cycle.”

Exhibit A
Major Deadlines in Tentative 2014 Timeline

Mid October, 2014	Pre-RFP Orientation
October 17, 2014	Release of RFP, which includes the Initial Proposal and Final Application
Late October 2014	Initial Proposal Orientation
Late October 2014	Deadline for prospective applicants to submit Intent to Apply Packets
Early November 2014	Prospective applicants are notified of their eligibility to submit an Initial Proposal
Early December 2014	Deadline for eligible applicants to submit Initial Proposals
December 2014 - January 2015	Initial Proposals review window
January 15, 2015	Applications Committee Meeting on Initial Proposal Recommendation Reports and decision on whether to recommend that the applicant submit a Final Application
January 22, 2015	Commission General Business Meeting on Initial Proposal Recommendation Reports decision on whether to recommend that the applicant submit a Final Application
Early February 2015	Final Application Orientation
Early March 2015	Deadline for proceeding applicants to submit Final Applications
March to May 2015	Final Application evaluation and interview window
Mid June 2015	Commission holds public hearings on charter school applications
Mid June 2015	Applicants receive Evaluation Team Recommendation Reports
July 23, 2015	Application Committee Meeting on Final Application decisions
August 13, 2015	Commission General Business Meeting on Final Application decisions
August 14, 2015	Applicants are notified of the Commission's Final Application decisions
August 2015 - July 2016	New charter school start-up period for approved applications
July 2016	Opening of new charter school

Exhibit B
Two-Phase Application Process

